



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/229,589	01/13/99	YEGOSHIN	P3356

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CENTRAL COAST PATENT AGENCY
PO BOX 187
AROMAS CA 95004

EXAMINER	
PHUNKULH, B	
ART UNIT	PAPER NUMBER

2661

DATE MAILED: 02/14/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/229,589	Applicant(s) YEGOSHIN, LEONID A	
	Examiner Bob A. Phunkulh	Art Unit 2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 17) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: _____.

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DETAILED ACTION

1. This communication is in response to applicant's 11/16/2000 amendment in the application of YEGOSHIN for "METHOD AND APPARATUS FOR CREATING AND DISTRIBUTING COST TELEPHONY-SWITCHING FUNCTIONALITY WITHIN AN IP NETWORK" filed 01/13/1999. The amendments to the claims have been entered. No claims have been canceled. No claims have been added. Claims 1-17 are now pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1, 3- 7, 9-15, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Guy et al. (US 5,940,479).

Regarding claims 1, 3-5, 7, 9-11, 13-15, and 17, Guy et al. disclose a system and method for transmitting packet across a wide area network (WAN) from a local phone coupled to a computer e.g., PC-phone. The system comprises of:

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-at least two PC-phones 103/105 and 143/145 (*Internet capable call appliances*) located in different location,

-a first router 114 coupled to the PC-phone 103/105,

-a second router 132 coupled to the PC-phone 143/145, and

-a WAN network (Internet or ATM or frame relay) for connecting between the two routers.

The calls setup between the call appliance 103/105 and the router 114 (*end node leg*), and the call setup between the router 114 and 132 through the Internet 104 (*intermediate legs*), the call setup between the router 132 and the called appliance 143/145 (*end node leg*) and are separate and distinct (**see figs. 1, 5; and col. 4 line 54 to col. 6 line 35**).

Regarding claims 6 and 12, Guy et al. disclose a LAN network 116, connecting end appliances at one or more the routers, and wherein end-node leg are established via LAN to appliances on the LAN (**see fig. 1**).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 8, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guy et al. in view of Andrews et al. (US 5,848,143).

Claims 2, 8, and 16, White et al. fail to disclose the call appliances include Interactive Voice Response (IVR) units. Andrew et al., on the other hand, teach IVR units are included in agent systems of a communication system that provides telephony communication between agents and a plurality of callers (**see figs. 8-10**). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to include the IVRs of Andrews et al., in the system taught by Guy et al. for improving requested information to the caller 24 hours a day without human assistant -thus enhancing customer service while reducing costs.

Conclusion

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 305-9051, (for formal communications intended for entry)

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Or:

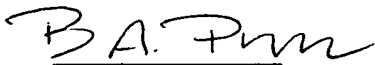
(703) 308-5403 (for informal or draft communications, please labels
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bob A. Phunkulh** whose telephone number is **(703) 308-8251**. The examiner can normally be reached on Monday-Friday from 8:00 A.M. to 4:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor **Douglas W. Olms**, can be reach on **(703) 305-4703**. The fax phone number for this group is **(703) 305-3988**.

B A. Phunkulh



TC 2600
Art Unit 2661
February 09, 2001



Ajit Patel
Primary Examiner